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To: John W. Hayes**From:** Rebecca Schow (for Steven L. Nichols)**Fax:** 571-273-6708**Pages:** 45 + Coversheet**Phone:****Date:** September 24, 2008**Re:** Entry of Appeal Brief for 10/645,185**cc:**

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● **Comments:**

Mr. Hayes,

Pursuant to our phone conversation today, to follow is a copy of the timely filed Appeal Brief for Application number 10/645,185. I have also included with this transmission a copy of the Auto-Reply Facsimile Transmission from the USPTO and a copy of our fax machine's Job Status Report.

If you need any additional information please feel free to contact me at your convenience.

Thanks,
Rebecca Schow
(Assistant to Steven L. Nichols)

• 10653 S. River Front Pkwy., Suite 150, South Jordan, UT 84095 Tel: (801) 572-0185 Fax: (801) 572-7666 •
www.raderfishman.com

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HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 17140 Fort Collins, Colorado 80527-0403	PATENT APPLICATION ATTORNEY DOCKET NO. <u>200201371-1</u>
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**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): <u>Winthrop Childers</u> Application No.: <u>105645,188</u> Filing Date: <u>August 21, 2003</u>	Confirmation No.: <u>7087</u> Examiner: <u>BALLARD, Shannon E.</u> Group Art Unit: <u>3626</u>
--	--

Title: Processor Reproduction System and Method

Mail Stop: Appel Trial/Patents
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Alexandria, VA 22313-1450

TRANSMISSION OF APPROPRIATE

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on February 12, 2008.

☒ The fee for filing the Appeal Brief is \$510.00 (37 CFR 41.209).

☐ No Additional Fee Required.

(enclosures (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.156(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (from 37 CFR 1.17(a)-(4)) for the total number of months checked below:

<input type="checkbox"/> 1st Month \$100	<input type="checkbox"/> 2nd Month \$400	<input type="checkbox"/> 3rd Month \$1000	<input type="checkbox"/> 4th Month \$1600
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☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for perfection of time.

Please charge to Deposit Account 06-2028 the sum of \$ 310 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 06-2028 pursuant to 37 CFR 1.26. Additional please charge any fees to Deposit Account 06-2028 under 37 CFR 1.10 through 1.21 insofar as, and any other notices in Title 37 of the Code of Federal Regulations that may regulate fees.

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Date of Receipt: April 11, 2008
 Typed Name: Shannon E. Ballard
 Signature: [Signature]

Respectfully submitted,
[Signature]
 By: [Signature]
 Sharon L. Nichols
 Attorney/Agent for Applicant(s)
 Reg. No.: 45,330
 Date: April 11, 2008
 Telephone: 977-472-8084

See receipt page

PAGE 02/45 * RCVD AT 04/11/2008 1:03:33 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/26 * DNIS:2736708 * CSID:18015727666 * DURATION (mm:ss):05:54

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Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 200208971-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Winthrop Childers

Confirmation No.: 7057

Application No.: 10/645,185

Examiner: SALIARD, Shannon S.

Filing Date: August 21, 2003

Group Art Unit 3628

Title: Projector Reservation System and Method

Mail Stop Appeal Brief-Patents
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PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEFTransmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on February 12, 2008.☒ The fee for filing this Appeal Brief is \$510.00 (37 CFR 41.20).☐ No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:☐ 1st Month
\$120☐ 2nd Month
\$460☐ 3rd Month
\$1050☐ 4th Month
\$1640☐ The extension fee has already been filed in this application.☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

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Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 200208971-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Winthrop Childers

Confirmation No.: 7057

Application No.: 10/645,185

Examiner: SALIARD, Shannon S.

Filing Date: August 21, 2003

Group Art Unit: 3628

Title: Projector Reservation System and Method

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEFTransmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on February 12, 2008.☒ The fee for filing this Appeal Brief is \$510.00 (37 CFR 41.20).☐ No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

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Please charge to Deposit Account 08-2025 the sum of \$ 510 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

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Date of facsimile: April 11, 2008

Typed Name: Rebecca R. Schow

Signature: 

Respectfully submitted,

Winthrop Childers

By 

Steven L. Nichols

Attorney/Agent for Applicant(s)

Reg No. : 40,326

Date : April 11, 2008

Telephone : 801-572-8066

Rev 10/07 (Ap/Brief)

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

DUPLICATE

PATENT APPLICATION

ATTORNEY DOCKET NO. 200208971-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Winthrop Childers

Confirmation No.: 7057

Application No.: 10/645,185

Examiner: SALIARD, Shannon S.

Filing Date: August 21, 2003

Group Art Unit: 3628

Title: Projector Reservation System and Method

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PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on February 12, 2008.

☒ The fee for filing this Appeal Brief is \$510.00 (37 CFR 41.20).

☐ No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$120

☐ 2nd Month
\$460

☐ 3rd Month
\$1050

☐ 4th Month
\$1640

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 510 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

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Date of facsimile: April 11, 2008

Typed Name: Rebecca R. Schow

Signature: 

Respectfully submitted,

Winthrop Childers

By 

Steven L. Nichols

Attorney/Agent for Applicant(s)

Reg No. : 40,326

Date : April 11, 2008

Telephone : 801-572-8066

Rev 10/07 (Appl Brief)

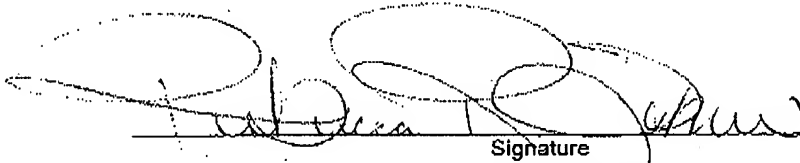
Application No.: 10/645,185

Attorney Docket No.: 200208971-1

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents via the USPTO central facsimile number, (571) 273-8300.

on April 11, 2008
Date


Signature
Rebecca R. Schow
Typed or printed name of person signing Certificate

Transmitted, herewith, are the following documents:

1. Transmittal of Appeal Brief with Duplicate Copy (2 pages)
2. Certificate of Transmission (1 page)
3. Appeal Brief (28 pages)
4. Declaration of Prior Invention under 37 C.F.R. § 1.131, filed August 21, 2008, by inventor Winthrop Childers (9 pages)
5. Second Declaration under 37 C.F.R. § 1.131, by the inventor, Winthrop Childers, and dated 26 March 2008 (2 pages)

200208971-1

10/645,185

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of

Winthrop Childers

Application No. 10/645,185

Filed: August 21, 2003

For: Projector Reservation System
and Method

Group Art Unit: 3628

Examiner: SALLIARD, Shannon S.

Confirmation No.: 7057

APPEAL BRIEFMail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal Brief under Rule 41.37 appealing the decision of the Primary Examiner dated November 13, 2007 (the "final Office Action"). Each of the topics required by Rule 41.37 is presented herewith and is labeled appropriately.

200208971-1

10/645,185

I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

200208971-1

10/645,185

II. Related Appeals and Interferences

There are no appeals or interferences related to the present application of which the Appellant is aware.

200208971-1

10/645,185

III. Status of Claims

Claims 1-33 are pending in the application and stand finally rejected. Accordingly, Appellant appeals from the final rejection of claims 1-33, which claims are presented in the Appendix.

200208971-1

10/645,185

IV. Status of Amendments

No amendments have been filed subsequent to the final Office Action of November 13, 2007, from which Appellant takes this appeal.

200208971-1

10/645,185

V. Summary of Claimed Subject Matter

The independent claims of the application recite the following subject matter.

1. A projector reservation system, comprising:

a reservation system server capable of communicating over a network with a client (*Appellant's specification, paragraph 0017*) that fulfills projector and venue reservation requests received via the network and coordinates a transport and a storage of presentation data received via the network (*Appellant's specification, paragraph 0017*); and
one or more projector systems capable of communicating with the reservation system server that download the presentation data for display according to the projector and venue reservation requests (*Appellant's specification, paragraph 0017*).

8. A method of requesting a projector and a presentation venue reservation, comprising:

selecting the presentation venue having one or more available projectors in accordance with a venue selection criteria for a presentation and associated presentation data (*Appellant's specification, paragraph 0018*);

selecting a projector according to a projector or selection criteria for the presentation and one or more available projectors at the venue (*Appellant's specification, paragraph 0018*)

selecting a level of security for storing the presentation data to protect the presentation data from unauthorized access (*Appellant's specification, paragraph 0018*); and

upload the presentation data to a reservation system server via a network (*Appellant's specification, paragraph 0018*).

200208971-1

10/645,185

15. A method of coordinating a projector and presentation venue reservation, comprising:

receiving a projector and presentation venue reservation request (*Appellant's specification, paragraph 0019*);

downloading presentation data from a projector reservation client (*Appellant's specification, paragraph 0019*);

ensuring availability of presentation software compatible with the presentation data (*Appellant's specification, paragraph 0019*); and

commencing a presentation including presentation data (*Appellant's specification, paragraph 0019*).

29. An apparatus for projector reservation system, comprising:

means (102-104, 110) for selecting a presentation venue according to a venue selection criteria for a presentation (*Appellant's specification, paragraph 0029*);

means (102-104, 110) for selecting a projector (112-114) according to a projector selection criteria for the presentation and one or more projectors available at the venue (*Appellant's specification, paragraph 0029*);

means (102-104) for selecting a level of security for presentation data storage to protect presentation data associated with the presentation from unauthorized access (*Appellant's specification, paragraph 0030*); and

means (102-104, 106) for uploading presentation data to a reservation system server (110) via the network (106) (*Appellant's specification, paragraph 0031*).

200208971-1

10/645,185

30. An apparatus for coordinating a projector reservation system and presentation, comprising:

means (106, 110) for receiving presentation data from a projector reservation client (102-104) (*Appellant's specification, paragraph 0032*);

means (110) for ensuring availability of proper presentation software (*Appellant's specification, paragraph 0013*);

means (110) for receiving a password, decryption key, or biometric verification for accessing presentation data (*Appellant's specification, paragraph 0034*); and

means (110, 112-114) for commencing a presentation of the presentation data (*Appellant's specification, paragraph 0036*).

31. A computer program product for controlling a projector reservation system, tangibly stored in a computer readable medium, comprising instructions operable to cause a programmable processor (110) to:

select a presentation venue (*Appellant's specification, paragraph 0029*);

select a projector (*Appellant's specification, paragraph 0029*);

coordinate uploading, security, and storage of presentation data (*Appellant's specification, paragraphs 0030-31*);

coordinate delivery presentation data to the projector reservation system at the time and date specified by a reservation system (*Appellant's specification, paragraph 0029*); and

coordinate a presentation of the presentation data (*Appellant's specification, paragraphs 0020 and 0036*).

200208971-1

10/645,185

VI. Grounds of Rejection to be Reviewed on Appeal

The final Office Action raised the following grounds of rejection.

- (1) Claims 1, 5, and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of U.S. Patent App. Pub. No. 2004/00064355 to Dorenbosch et al. ("Dorenbosch") and U.S. Patent App. Pub. No. 2004/0039723 to Lee et al. ("Lee").
- (2) Claims 2 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of Dorenbosch, Lee and Official Notice taken by the Examiner.
- (3) Claims 3, 4, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of Dorenbosch, Lee and U.S. Patent App. Pub. No. 20060288229 to Hamid et al. ("Hamid").
- (4) Claims 8, 11, 14 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of Dorenbosch, U.S. Patent No. 2006/0010317 to Lee ("Lee-2") and Lee.
- (5) Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of Dorenbosch, Lee and U.S. Patent No. 5,124,912 to Hotaling et al.
- (6) Claims 10, 12, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of Dorenbosch, Lee-2 and Lee.
- (7) Claims 15, 18-22, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of Dorenbosch, Lee and U.S. Patent No. 7,143,177 to Johnson et al. ("Johnson").
- (8) Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of Dorenbosch, Lee, Johnson and Hamid.

200208971-1

10/645,185

(9) Claims 17 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of Dorenbosch, Lee, Johnson and U.S. Patent App. Pub. No. 2003/0208565 to Nishihara et al. ("Nishihara").

(10) Claims 23-25 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of Dorenbosch, Lee, Johnson, Hamid and Official Notice taken by the Examiner.

(11) Claim 30 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of Lee, Johnson and Hamid.

(12) Claim 32 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of Dorenbosch, Lee, Hamid and Johnson.

(13) Claim 33 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of Dorenbosch, Lee, Hamid and Nishihara.

According, Appellant hereby requests review these grounds of rejection in the present appeal.

Appellant notes here that each and every ground of rejection relies upon the teachings of Lee (U.S. Patent App. Pub. No. 2004/0039723 to Lee et al.). As Appellant has demonstrated on the record, Appellant's invention occurred before the priority date of Lee, rendering Lee invalid prior art against the present application.

200208971-1

10/645,185

VII. Argument

(1) Claims 1, 5, and 7 are patentable because Lee is not valid prior art:

As will be explained in detail below, if 37 C.F.R. 1.131 is correctly applied, the evidence of record in this application should be sufficient to eliminate Lee et al. [2004/0039723] from consideration as valid prior art. Consequently, all the rejections made in the recent Office Action, all of which rely on Lee, are rendered moot.

In a previous response by the Appellant, dated August 21, 2007, a declaration under 37 CFR 1.131 was submitted. A copy of this declaration is filed herewith in the following "Evidence Appendix" showing conception of the subject matter claimed in this application at least as early as Sept. 23, 2002 by the inventor, Winthrop Childers, within the United States. This conception date, established by the declaration under Rule 131, is prior to the effective dates of cited references U.S. Patent App. Pub. No. 2004/0064355 to Dorenbosch et al ("Dorenbosch") and U.S. Patent App. Pub. No. 2004/0039723 to Lee et al ("Lee"). The effective date of Dorenbosch as a prior art reference under 35 U.S.C. § 102(e) is the filing date of the reference, Oct. 1, 2002. Similarly, the effective date of Lee as a prior art reference under 35 U.S.C. § 102(e) is its filing date, April 3, 2003. The declaration filed under Rule 131 further showed activities undertaken by the Appellant from conception to constructive reduction to practice (i.e., the filing of the present application) on August 21, 2003.

In an Office Action, dated Nov. 13, 2007, the Examiner rejected the Appellant's Rule 131 declaration saying that: "The absence of activity between the dates of Sept. 23, 2002 and April 3, 2003 does not prove that due diligence was taken toward constructive reduction to practice." Appellant respectfully submits that this is both incorrect as a matter of law and a misapplication of Rule 131.

200208971-1

10/645,185

Firstly, the inventor has acknowledged in the declaration that all statements in the declaration are true and, if false, would be subject to punishment under 18 U.S.C. § 1001. (Declaration of 8/17/07, Para. 14). In the declaration, the inventor expressly states that he, the inventor, prior to October 1, 2002, "I conceived of my invention and diligently worked toward constructively reducing my invention to practice by filing U.S. Application No. 10/645,185 on August 21, 2003." (*Id.* Para. 4).

The Examiner has not provided any basis or reasoning for doubting this declared statement of the inventor that acts demonstrating adequate diligence occurred during the time period in question. This is legally improper. It has been held that, due to the Appellant's duty of candor, the Patent Office is required to give weight to all statements and data in the specification or a declaration as factual evidence of patentability. *In re Soni* 34 USPQ2d 1684 (Fed. Cir. 1995). Consequently, the Examiner may not simply disregard the Inventor's declared statement that the required diligence existed during the time period in question. For at least this reason, the cited prior art references should be withdrawn from consideration as valid prior art.

Additionally, the Examiner misconstrues and misapplies Rule 131.

37 C.F.R. 131 states:

(a) When any claim of an application or a patent under reexamination is rejected, the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under §§ 1.42, 1.43, or 1.47, may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based.

(b) The showing of facts shall be such, in character and weight, as to establish reduction to practice prior to the effective date of the reference, or **conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application.**

(Emphasis added).

200208971-1

10/645,185

Thus, to eliminate the cited references from consideration as valid prior art, the Appellant only need show (1) **conception prior to the effective date** and (2) **due diligence from prior to said date** (the effective date of the reference) **to a subsequent reduction to practice or to the filing of the application.**

Consequently, the correct application of the Rule to the cited prior art would be as follows:

- 1) US 2004/006355 to Dorenbosch et al.: conception should be shown prior to Oct. 1, 2002 and due diligence from just before Oct. 1, 2002 until an actual reduction to practice or Aug. 21, 2003.
- 2) US 2004/0039723 to Lee et al.: conception should be shown prior to April. 3, 2003 and due diligence from just before April 3, 2003 until an actual reduction to practice or Aug. 21, 2003.

If the language of Rule 131 is correctly applied, the Appellant submits that Dorenbosch and Lee should be eliminated from consideration as valid prior art based on the previously submitted Rule 131 declaration.

In the case of Lee, Appellant must show diligence from just before April 3, 2003 to an actual reduction to practice or August 21, 2003. If the disclosure document produced by Appellant on or before September 23, 2002 is recognized as an actual reduction to practice, Lee is clearly not valid prior art against the present application under Rule 131 and Appellant previously-filed declaration. Alternatively, Appellant would need to show diligence during the four month period from April 3, 2003 to August 21, 2003.

As will be readily appreciated by those engaged in U.S. patent practice, a four month period is a perfectly reasonable period during which an Appellant may work with an attorney to draft and file a patent application, such as occurred in this case on August 21, 2003.

Turning again to the Inventor's Declaration under Rule 131, the Inventor expressly states "[f]ollowing my conception prior to October 1, 2002, I worked diligently with the Patent

200208971-1

10/645,185

Attorney, Leland Wiesner, Esq. to prepare the patent application filed on August 21, 2003 thereby constructively reducing the invention to practice. During this time period, the patent attorney prepared one or more drafts of the application for my comment. With my comments, the patent attorney revised one or more portions of the application, claims and/or figures to accommodate my suggestions." (Declaration of 8/17/07, Para. 6).

This statement clearly demonstrates acts of diligence during the time period in question. Consequently, there is no reasonable basis for questioning Appellant's diligence during the time period in question.

Therefore, Lee should clearly be eliminated from consideration as a valid prior art reference in this matter. For at least this reason, no part of the rejection of Appellant's claims should be sustained.

Additionally, should it become necessary, it is anticipated that additional details and activities could be shown that provide evidence of diligence during the time periods in question. In particular, it is anticipated that the required diligence from just prior to April 3, 2003 until constructive reduction to practice on August 21, 2003 can be shown through an additional declaration if necessary. During this period of time, it is anticipated that there are ample affirmative acts and/or acceptable excuses to show the required diligence, such as docketing, prior art searches, attorney client communications, drafting, reviewing, and filing of the application. The approximately four to five months between April 3, 2003 and August 21, 2003 is a reasonable time frame for these actions.

Alternatively, Appellant respectfully submits that the disclosure document which was generated prior on or before September 23, 2002 is a complete description of the claimed subject matter such that one of skill in the art could practice the claimed subject matter from

200208971-1

10/645,185

that document. Consequently, Appellant may be considered to have achieved an actual reduction to practice of the claimed subject matter on or before September 23, 2002.

As evidence of this fact, Appellant has filed herewith a second declaration under 37 C.F.R. § 1.131, which is included in the following Evidence Appendix. This declaration is by the inventor, Winthrop Childers, and dated 26 March 2008.

This declaration is evidence of the following declared facts:

1. I [Winthrop Childers] am the inventor of the above-identified patent application filed on August 21, 2003. At the time the patent application was filed, I was an employee of Hewlett-Packard Co.
2. I have experience working for Hewlett-Packard Co. in the field of projectors and related systems and methods, and am at least one of ordinary skill in the field of the above-identified patent application.
3. As part of the process of preparing the above-identified patent application, I prepared a disclosure document to record my invention. This document was prepared prior to October 1, 2002. A copy of this disclosure document was appended to my prior declaration under 37 C.F.R. § 1.131, filed August 21, 2007, which is incorporated herein by reference.
4. This disclosure document so completely described my invention that, in my opinion, one of ordinary skill in the art would have been able to practice the invention now claimed in the above-identified patent application, without undue experimentation, using that disclosure document prepared prior to October 1, 2002.

This is probative evidence that the nature of the claimed invention is such that, by preparing the disclosure document prior to October 1, 2002, the inventor enabled others of ordinary skill in the art to practice the invention as claimed without undue experimentation and, therefore, actually reduced the invention to practice no later than October 1, 2002.

200208971-1

10/645,185

Consequently, both conception and actual reduction to practice were, by the weight of evidence presented in this Brief, completed prior to October 1, 2002, prior to the effective date of either Lee or Dorenbosch. Consequently, neither can be applied against the present invention as valid prior art. For at least this reason, no part of the rejection of Appellant's claims should be sustained.

(2) Claims 2 and 6:

The rejection of these claims should not be sustained because Lee is not valid prior art against the present application for the reasons demonstrated above.

(3) Claims 3, 4, and 31:

The rejection of these claims should not be sustained because Lee is not valid prior art against the present application for the reasons demonstrated above.

(4) Claims 8, 11, 14, and 29:

The rejection of these claims should not be sustained because Lee is not valid prior art against the present application for the reasons demonstrated above.

(5) Claim 9:

The rejection of this claim should not be sustained because Lee is not valid prior art against the present application for the reasons demonstrated above.

200208971-1

10/645,185

(6) Claims 10, 12, and 13:

The rejection of these claims should not be sustained because Lee is not valid prior art against the present application for the reasons demonstrated above.

(7) Claims 15, 18-22, and 26:

The rejection of these claims should not be sustained because Lee is not valid prior art against the present application for the reasons demonstrated above.

(8) Claim 16:

The rejection of this claim should not be sustained because Lee is not valid prior art against the present application for the reasons demonstrated above.

(9) Claims 17 and 27:

The rejection of these claims should not be sustained because Lee is not valid prior art against the present application for the reasons demonstrated above.

(10) Claims 23-25 and 28:

The rejection of these claims should not be sustained because Lee is not valid prior art against the present application for the reasons demonstrated above.

(11) Claim 30:

The rejection of this claim should not be sustained because Lee is not valid prior art against the present application for the reasons demonstrated above.

200208971-1

10/645,185

(12) Claim 32:

The rejection of this claim should not be sustained because Lee is not valid prior art against the present application for the reasons demonstrated above.

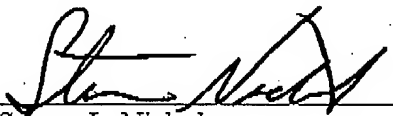
(13) Claim 33:

The rejection of this claim should not be sustained because Lee is not valid prior art against the present application for the reasons demonstrated above.

In view of the foregoing, it is submitted that the final rejection of the pending claims is improper and should not be sustained. Therefore, a reversal of the Rejection of November 13, 2007 is respectfully requested.

Respectfully submitted,


DATE: April 11, 2008


Steven L. Nichols
Registration No. 40,326

Steven L. Nichols, Esq.
Managing Partner, Utah Office
Rader Fishman & Grauer PLLC
River Park Corporate Center One
10653 S. River Front Parkway, Suite 150
South Jordan, Utah 84095
(801) 572-8066
(801) 572-7666 (fax)

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the Patent and Trademark Office facsimile number **571-273-8300** on **April 11, 2008**. Number of Pages: **42**


Rebecca R. Schow

200208971-1

10/645,185

VIII. CLAIMS APPENDIX

1. (previously presented) A projector reservation system, comprising:
a reservation system server capable of communicating over a network with a client that fulfills projector and venue reservation requests received via the network and coordinates a transport and a storage of presentation data received via the network; and
one or more projector systems capable of communicating with the reservation system server that download the presentation data for display according to the projector and venue reservation requests.
2. (previously presented) The system of claim 1 wherein the presentation data is stored with password protection.
3. (previously presented) The system of claim 1 wherein the presentation data is stored with encryption protection.
4. (previously presented) The system of claim 1, wherein the presentation data is stored with one or more biometric verification protections including iris scan, fingerprint right nation, and voice recognition.
5. (original) The system of claim 1, wherein the reservation system server comprises a computer including a processor, random access memory, network interface, and mass storage device.

200208971-1

10/645,185

6. (original) The system of claim 1 wherein the projector system comprises a digital projector communicating with a computer including a processor, random access memory, and mass storage device.

7. (original) The system of claim 1 wherein the network comprises the Internet.

8. (previously presented) A method of requesting a projector and a presentation venue reservation, comprising:

selecting the presentation venue having one or more available projectors in accordance with a venue selection criteria for a presentation and associated presentation data;

selecting a projector according to a projector or selection criteria for the presentation and one or more available projectors at the venue;

selecting a level of security for storing the presentation data to protect the presentation data from unauthorized access; and

upload the presentation data to a reservation system server via a network.

9. (original) The method of claim 8 wherein the venue selection criteria includes a least one criterion chosen from a group of criteria including city, location within the city, seating capacity, screen size, digital projector availability, sound system characteristics, and hotel room availability.

10. (original) The method of claim 8 wherein the projector selection criteria include display size in pixels, projected image brightness, color fidelity, and lens system capable of zooming.

200208971-1

10/645,185

11. (original) The method of claim 8 wherein the security level includes password protection.
12. (original) The method of claim 8 wherein the security level includes encryption protection.
13. (original) The method of claim 8 wherein the security level includes protection by biometric verification including iris scan, fingerprint recognition, or voice identification.
14. (previously presented) The method of claim 8 wherein uploading the presentation data can take place at an arbitrary time.
15. (original) A method of coordinating a projector and presentation venue reservation, comprising:
 - receiving a projector and presentation venue reservation request;
 - downloading presentation data from a projector reservation client;
 - ensuring availability of presentation software compatible with the presentation data;
 - and
 - commencing a presentation including presentation data.
16. (original) The method of claim 15 further comprising receiving a password, decryption key, or biometric verification to access presentation data.

200208971-1

10/645,185

17. (original) The method of claim 15 further comprising post-processing of presentation data.

18. (previously presented) The method of claim 15 wherein the presentation data is stored on the reservation system server.

19. (previously presented) The method of claim 15 wherein the presentation data is stored on a projector system.

20. (previously presented) The method of 15 wherein ensuring availability a presentation software, comprises:

determining if presentation software compatible with the presentation data is loaded and available for use; and

updating the presentation software to a version compatible with the presentation data in response to the determination.

21. (previously presented) The method of claim 20 further comprising depending upon the determination, informing the projector reservation client presentation software update.

22. (original) The method of claim 20 further comprising assuring the projector reservation client of proper presentation software availability.

200208971-1

10/645,185

23. (previously presented) The method of claim 16 wherein the password is entered via a keyboard associated with the projector system.
24. (previously presented) The method of claim 16 wherein the decryption key is supplied by a portable medium including a floppy disk, compact disc, or flash memory.
25. (previously presented) The method of claim 16 wherein biometric verification includes iris scan, fingerprint recognition, or voice identification.
26. (previously presented) The method of claim 15 wherein commencing the presentation includes reading the presentation data, converting the presentation data to graphic images, and projecting a graphic images via a digital projector.
27. (previously presented) The method of claim 17 wherein post-processing of the presentation data comprises rendering the presentation data unrecoverable.
28. (previously presented) The method of claim 20 wherein updating further comprises purchasing the software version compatible with the presentation data.
29. (previously presented) An apparatus for projector reservation system, comprising: means for selecting a presentation venue according to a venue selection criteria for a presentation;
- means for selecting a projector according to a projector selection criteria for the presentation and one or more projectors available at the venue;

200208971-1

10/645,185

means for selecting a level of security for presentation data storage to protect presentation data associated with the presentation from unauthorized access; and

means for uploading presentation data to a reservation system server via the network.

30. (original) An apparatus for coordinating a projector reservation system and presentation, comprising:

means for receiving presentation data from a projector reservation client;

means for ensuring availability of proper presentation software;

means for receiving a password, decryption key, or biometric verification for accessing presentation data; and

means for commencing a presentation of the presentation data.

31. (previously presented) A computer program product for controlling a projector reservation system, tangibly stored in a computer readable medium, comprising instructions operable to cause a programmable processor to:

select a presentation venue;

select a projector;

coordinate uploading, security, and storage of presentation data;

coordinate delivery presentation data to the projector reservation system at the time and date specified by a reservation system; and

coordinate a presentation of the presentation data.

200208971-1

10/645,185

32. (previously presented) The computer program of claim 31 further comprising assuring an availability of presentation software compatible with the uploaded presentation data.

33. (previously presented) The computer program of claim 31 further comprising performing a post-processing of the presentation data after the presentation.

200208971-1

10/645,185

IX. Evidence Appendix

(1) Declaration of Prior Invention under 37 C.F.R. § 1.131, filed August 21, 2008, by inventor Winthrop Childers.

(2) Second Declaration under 37 C.F.R. § 1.131, by the inventor, Winthrop Childers, and dated 26 March 2008.

200208971-1

10/645,185

X. Related Proceedings Appendix

None

200208971-1

10/645,185

XI. Certificate of Service

None

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Date: 8/20/2007 Time: 11:22:58 PM

Page 15 of 23

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Winthrop Childers	Examiner:	Saliard, Shannon S.
Serial No.:	10/645,185	Art Unit:	2176
Filed:	08/21/2003	Docket No.:	200208971-1
Title:	PROJECTOR RESERVATION SYSTEM AND METHOD		

DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

I declare as follows:

1. I am the inventor of the subject patent application filed on August 21, 2003. At the time the patent application was filed, I was an employee of Hewlett-Packard Company.
2. This Declaration is submitted to establish prior invention of the subject matter of the present patent application in the United States.
3. Prior to the effective date of the reference dated October 1, 2002 (the filing date of the U.S. Application No. US 2004/0064355 to Dorenbosch et al.) I conceived of my invention and diligently worked toward constructively reducing my invention to practice by filing U.S. Application No. 10/645, 185 on August 21, 2003.
4. Prior to the effective date of the reference dated April 3, 2003 (the filing date of the U.S. Application No. US 2004/0039723 to Lee et al.) I conceived of my invention and diligently worked toward constructively reducing my invention to practice by filing U.S. Application No. 10/645, 185 on August 21, 2003.
5. Exhibit A (6 pages) includes a copy of HP Invention Disclosure No. 200208971-1 I submitted to the HP Legal Department for consideration prior to the effective date of both the Dorenbosch and Lee references.
6. Following my conception prior to October 1, 2002, I worked diligently with the Patent Attorney, Leland Wiesner, Esq. to prepare the patent application filed on August 21, 2003 thereby constructively reducing the invention to practice. During this time period, the patent attorney prepared one or more drafts of the application for my comments. With my

Page 1 of 9

PAGE 15/23 * RCVD AT 8/21/2007 2:25:16 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-3/3 * DNIS:2738300 * CSID:6508531114 * DURATION (mm-ss):09-48

PAGE 35/45 * RCVD AT 9/24/2008 1:03:33 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/26 * DNIS:2736708 * CSID:18015727666 * DURATION (mm-ss):05-54

From: 6508531114 6503248173 To: USPTO

Date: 8/20/2007 Time: 11:22:58 PM

Page 16 of 23

Declaration under 37 C.F.R. § 1.131

Applicants: Winthrop Childers

Serial No.: 10/645,185

Filed: August 21, 2003

Docket No.: 200208971-1

Title: Predictive PROJECTOR RESERVATION SYSTEM AND METHOD

comments, the patent attorney revised one or more portions of the application, claims and/or figures to accommodate my suggestions.

7. At the time of preparing Exhibit A prior to October 1, 2002, I had conceived of a projector reservation system including a reservation system server capable of communicating over a network with a client that fulfills projector and venue reservation requests received via the network and coordinates a transport and a storage of presentation data received via the network and a set of one or more projector systems capable of communicating with the reservation system server that downloads the presentation data for display according to the projector and venue reservation requests.

8. I also had conceived of a method of requesting a projector and a presentation venue reservation that included selecting the presentation venue having one or more available projectors in accordance with a venue selection criteria for a presentation and associated presentation data, selecting a projector according to a projector selection criteria for the presentation and the one or more available projectors at the venue, selecting a level of security for storing the presentation data to protect the presentation data from unauthorized access and uploading the presentation data to a reservation system server via a network.

9. Additionally, I had conceived of a method of coordinating a projector and presentation venue reservation including receiving a projector and presentation venue reservation request, downloading presentation data from a projector reservation client, ensuring availability of presentation software compatible with the presentation data and commencing a presentation including presentation data.

10. I further conceived of an apparatus for a projector reservation system, including a means for selecting a presentation venue according to a venue selection criteria for a presentation, means for selecting a projector according to a projector selection criteria for the presentation and one or more projectors available at the venue, means for selecting a level of security for presentation data storage to protect presentation data associated with the presentation from unauthorized access and means for uploading presentation data to a reservation system server via the network.

11. I also conceived of an apparatus for coordinating a projector reservation system and presentation, including a means for receiving presentation data from a projector reservation client, means for ensuring availability of proper presentation software, means for

From: 8508531114 6503248173 To: USPTO

Date: 8/20/2007 Time: 11:22:58 PM

Page 17 of 23

Declaration under 37 C.F.R. § 1.131

Applicants: Winthrop Childers

Serial No.: 10/645,185

Filed: August 21, 2003

Docket No.: 200208971-1

Title: Predictive PROJECTOR RESERVATION SYSTEM AND METHOD

receiving a password, decryption key, or biometric verification for accessing presentation data and means for commencing a presentation of the presentation data.

12. I also conceived of a computer program product for controlling a projector reservation system, tangibly stored on a computer-readable medium, comprising instructions operable to cause a programmable processor to select a presentation venue, select a projector, coordinate uploading, security, and storage of presentation data, coordinate delivery of presentation data to the projector reservation system at the time and date specified by a reservation and coordinate a presentation of the presentation data.

13. All acts set forth herein and/or relied upon for the purpose of establishing invention prior to October 1, 2002 were carried out in the United States.

14. I declare that all statements made herein are of my own knowledge and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: 

Winthrop Childers



Date: 8/17/07

From: 8508531114 6503248173 To: USPTO

Date: 8/20/2007 Time: 11:22:56 PM

Page 18 of 23

Exhibit A: HP Invention Disclosure

		Disclosure No. 200208971 <small>Invention Disclosure Form Document No. 50-1</small>	
		PD No. 200208971	Date Received 8/23/02
<small>The information contained in this document is HP CONFIDENTIAL, and may not be disclosed to other vendors prior to authorization. Submit this disclosure to the HP Legal Department as soon as possible. The patent protection is possible until a patent application is submitted, prepared, and submitted to the Government.</small>			
General Information			
Title Reservation system that incorporates projector file handling system			
Abstract A web-based conference room reservation and projection system includes functionality for enabling the preparation or setting up of a presentation on a digital projector. In particular, the system accepts digital presentation content that is to be viewed on the projector during the presentation. The reservation system translates the content to a projector system that includes the software and hardware layers to allow a user of the system to simply show up at the appointed time and to run the presentation without having to carry anything to the room except perhaps an encryption key. The system includes a feature that verifies proper software compatibility prior to confirmation of a reservation. The system also includes varying levels of security depending on the confidentiality of the presentation.			
Projects Etendue			
Products NONE			
Attachments			
Attachment:  Conference_Room_System.doc - 8/12/02 12:02PM - Word file disclosure (Uploaded by Winthrop D Childers)			
Inventor Information			
Inventors	Winthrop D Childers 00234722	Hewlett-Packard Company Americas (111N-5129) 8835 Fox Valley Way San Diego, CA 92127 United States (US)	San Diego +1 (650) 655-4811 winthrop_childers@hp.com United States (US)
Description of Invention			
Problems Solved Conference room system provides a way of scheduling the room and presenting content in a seamless manner.			
Prior Solutions Web-based conference room scheduling systems are in use. The user interface for such systems sometimes includes an indication of what kind of presentation devices are available in the conference room to be scheduled, such as a white board, overhead projector, etc. Often when a room is scheduled, the user needs to call in advance to verify that the proper projection system is present. For slide or video presentations user needs to carry the content along. In the case of an overhead projector, this means carrying a stack of transparencies that need to be printed out at great expense. In the case of a digital projector, the user typically needs to carry a bulky laptop. Often times the user has trouble getting the laptop to work with the digital projector that is in the conference room.			

From: 6508531114 6503248173 To: USPTO

Date: 8/20/2007 Time: 11:22:58 PM

Page 16 of 23

Declaration under 37 C.F.R. § 1.131

Applicants: Winthrop Childers

Serial No.: 10/643,185

Filed: August 21, 2003

Docket No.: 200208971-1

Title: Predictive PROJECTOR RESERVATION SYSTEM AND METHOD

Recently there has been discussion of using projectors that incorporate some degree of computer functionality. This might enable the user of a conference room projector to carry along just the media containing the presentation, such as a CD-ROM. However, this has the disadvantage that the software present on the projector system may not be compatible with the content.

Description See attached file.

Advantages (over current reservation systems)

The main advantages are convenience and avoiding big problems--

(1) elimination of the need to take bulky slides or laptops to a presentation.

(2) controllable security of information (via varying levels of encryption)

(3) verification in advance (when the reservation is made) that the files are compatible.

1.1 Invention History

Published No
Announced No
Disclosed No
Urgency No
Described No
Built No
Government Contract No
Related Disclosure No
Innovation No
Workshop No

1.2 Witnesses

Witnesses:	Mark O Winesky	Hewlett-Packard Company Americas (111N-5128) mark_winesky@hp.com	San Diego +1 (858) 655-4100
	Louise Mandigo	Hewlett-Packard Company Americas (6480-5000) louise_mandigo@hp.com	Corvallis +1 (541) 715-4390

1.3 Classification

Recommended IPC: Emerging Technologies: Display Technology

Classification

Keywords Projection and conference room

1.4 Administrative Record

From: 6508531114 6503248173 To: USPTO

Date: 8/20/2007 Time: 11:22:56 PM

Page 20 of 23

Declaration under 37 C.F.R. § 1.131
Applicants: Winthrop Childers
Serial No.: 10/645,185
Filed: August 21, 2003
Docket No.: 200208971-1
Title: Predictive PROJECTOR RESERVATION SYSTEM AND METHOD

Date Submitted September 12, 2002 12:05PM

Legal Clerk Trisha Melcher

Hewlett-Packard Company
Worldwide (0000-1823)
trisha_melcher@hp.com

Corvette

+1 (941) 715-6348

PD Number 200208971

Date Received by September 23, 2002
Legal

From: 6506531114 8503248173 To: USPTO

Date: 8/20/2007 Time: 11:22:56 PM

Page 21 of 23

Declaration under 37 C.F.R. § 1.131

Applicants: Wintthrop Childers

Serial No.: 10/645,185

Filed: August 21, 2003

Docket No.: 200208971-1

Title: Predictive PROJECTOR RESERVATION SYSTEM AND METHOD

Multifunctional Web-Based Reservation and Projection System for a Conference Room

Abstract: A web-based conference room reservation and projection system includes functionality for enabling the preparation or setting up of a presentation on a digital projector. In particular, the system accepts digital presentation content that is to be viewed on the projector during the presentation. The reservation system transmits the content to a projector system that includes the software and hardware layers to allow a user of the system to simply show up at the appointed time and to run the presentation without having to carry anything to the room except perhaps an encryption key. The system includes a feature that verifies proper software compatibility prior to confirmation of a reservation. The system also includes varying levels of security depending on the confidentiality of the presentation.

Problem Solved: Conference room system provides a way of scheduling the room and presenting content in a seamless manner.

Background: Web-based conference room scheduling systems are in use. The user interface for such systems sometimes includes an indication of what kind of presentation devices are available in the conference room to be scheduled, such as a white board, overhead projector, etc. Often when a room is scheduled, the user needs to call in advance to verify that the proper projection system is present. For slide or video presentations user needs to carry the content along. In the case of an overhead projector, this means carrying a stack of transparencies that need to be printed out at great expense. In the case of a digital projector, the user typically needs to carry a bulky laptop. Often times the user has trouble getting the laptop to work with the digital projector that is in the conference room.

Recently there has been discussion of using projectors that incorporate some degree of computer functionality. This might enable the user of a conference room projector to carry along just the media containing the presentation, such as a CD-ROM. However, this has the disadvantage that the software present on the projector system may not be compatible with the content.

Description: The present invention is depicted by a following flow chart. The user utilizes a web-based system to schedule a conference room. The conference room system includes a server and one or more projectors associated with one or more conference rooms. In a preferred embodiment, each projector is a fixed digital projector built into the ceiling of the conference room.

The user first selects a conference room via a web-based interface. The web based interface then offers the user an interface for downloading the software. The user selects from a level and type of security from a set of options. In one embodiment, the user encrypts the file and sends it to the server. The user also provides an indication of the type of content. For example, the content may be powerpoint slides utilizing a certain version of powerpoint. The system runs a check to verify that the proper software driver is present in the conference system to run the content. If not, then the system updates the

From: 6508531114 6503248173 To: USPTO

Date: 8/20/2007 Time: 11:22:56 PM

Page 22 of 23

Declaration under 37 C.F.R. § 1.131

Applicants: Winthrop Childers

Serial No.: 10/645,185

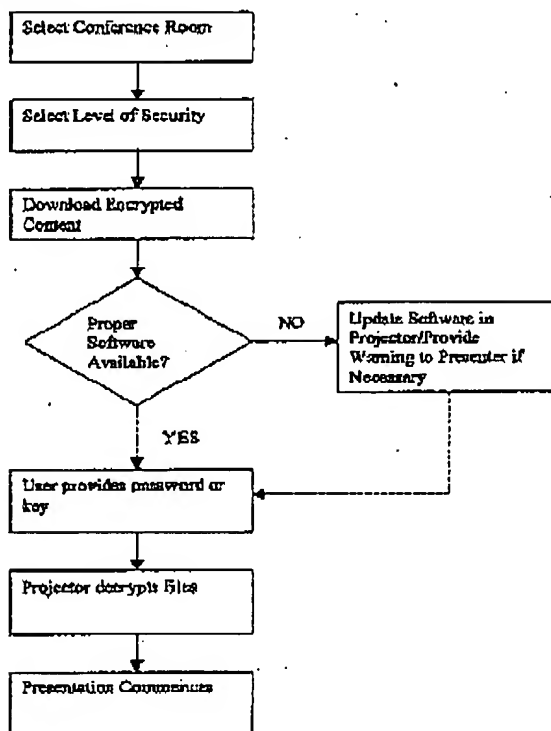
Filed: August 21, 2003

Docket No.: 200208971-1

Title: Predictive PROJECTOR RESERVATION SYSTEM AND METHOD

software. The system preferably determines a means of updating the software prior to final acceptance of the reservation.

When the user arrives at the conference room, only a means of decrypting the content is required. This can be in the form of a password or an encryption key, depending on the level of security selected.



From: 6508531114 6503248173 To: USPTO

Date: 8/20/2007 Time: 11:22:58 PM

Page 23 of 23

Declaration under 37 C.F.R. § 1.131

Applicants: Windrop Childers

Serial No.: 10/645,185

Filed: August 21, 2003

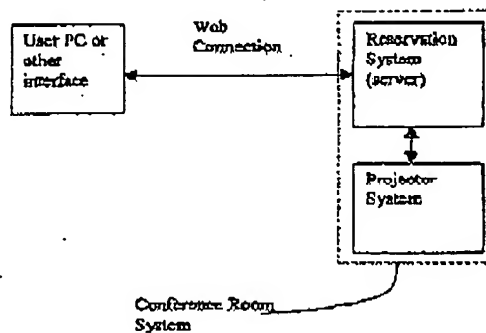
Docket No.: 200208971-1

Title: Predictive PROJECTOR RESERVATION SYSTEM AND METHOD

The figure below illustrates a preferred embodiment of the overall system. The conference room system includes a reservation system (server) and likely a number of projector systems coupled (only one shown).

The projector system is likely a fixed projector that includes an internal PC that communicates with the reservation system to allow the reservation system to verify that the proper software is installed on the projector system. If it is determined that the proper software is not installed on the projector, the reservation system automatically takes action to install the proper version of the software. For example, a presentation may require the latest version of video. The projector in question may not have been updated yet. In response to determining this discrepancy, the reservation system determines whether its internal application integration manager has the proper software update. If not, then a warning is provided to the user of the reservation system and personnel supporting the reservation system are notified to enable them to acquire the proper software in advance of the reservation.

In another embodiment, the user can upload the software into the reservation system in the event that the conference room system does not have the proper software.



200208971-1

10/645,185

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of

Winthrop Childers

Application No. 10/645,185

Filed: August 21, 2003

For: Projector Reservation System and
Method

Group Art Unit: 3628

Examiner: SALIARD, Shannon S.

Confirmation No.: 8153

DECLARATION UNDER 37 C.F.R. § 1.131Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I declare the following:

1. I am the inventor of the above-identified patent application filed on August 21, 2003. At the time the patent application was filed, I was an employee of Hewlett-Packard Co.

200208971-1


10/645,186

2. I have experience working for Hewlett-Packard Co. in the field of projectors and related systems and methods, and am at least one of ordinary skill in the field of the above-identified patent application.

3. As part of the process of preparing the above-identified patent application, I prepared a disclosure document to record my invention. This document was prepared prior to October 1, 2002. A copy of this disclosure document was appended to my prior declaration under 37 C.F.R. § 1.131, filed August 21, 2007, which is incorporated herein by reference.

4. This disclosure document so completely described my invention that, in my opinion, one of ordinary skill in the art would have been able to practice the invention now claimed in the above-identified patent application, without undue experimentation, using that disclosure document prepared prior to October 1, 2002.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Winthrop Childers,
Inventor

26-MAR-2008
Date